

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:16-cv-02320-CKK**

FREEDOM WATCH v. BUREAU OF LAND MANAGEMENT et al  
Assigned to: Judge Colleen Kollar-Kotelly  
Case: 1:16-cv-00992-CKK  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/22/2016  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**FREEDOM WATCH**

represented by **Larry E. Klayman**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**BUREAU OF LAND MANAGEMENT**

represented by **Damon William Taaffe**  
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**TERMINATED: 01/18/2017**  
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**Defendant**

**U.S. DEPARTMENT OF JUSTICE**

represented by **Damon William Taaffe**  
(See above for address)  
**TERMINATED: 01/18/2017**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Melanie Dyani Hendry**  
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**LEAD ATTORNEY**  
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| Date Filed | #         | Docket Text   |
|------------|-----------|---|
| 11/22/2016 | <u>1</u>  | COMPLAINT against BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE ( Filing fee \$ 400 receipt number 0090-4753614) filed by FREEDOM WATCH. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons)(Klayman, Larry) (Entered: 11/22/2016)  |
| 11/22/2016 | <u>2</u>  | REQUEST FOR SUMMONS TO ISSUE <i>U.S. Attorney</i> filed by FREEDOM WATCH.(Klayman, Larry) (Entered: 11/22/2016)   |
| 11/22/2016 | <u>3</u>  | REQUEST FOR SUMMONS TO ISSUE <i>Office of Attorney General</i> filed by FREEDOM WATCH.(Klayman, Larry) (Entered: 11/22/2016)  |
| 11/23/2016 |           | Case Assigned to Judge Ketanji Brown Jackson. (sb) (Entered: 11/23/2016)  |
| 11/23/2016 | <u>4</u>  | SUMMONS (4) Issued Electronically as to BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(sb) (Entered: 11/23/2016)  |
| 11/23/2016 | <u>5</u>  | GENERAL ORDER AND GUIDELINES FOR CIVIL CASES BEFORE JUDGE KETANJI BROWN JACKSON. The Court will hold the parties and counsel responsible for following these directives, and parties and counsel should pay particular attention to the Courts instructions for briefing motions. Failure to adhere to this Order may, when appropriate, result the imposition of sanctions and/or sua sponte denial of non-conforming motions. Signed by Judge Ketanji Brown Jackson on 11/23/2016. (lckbj1) (Entered: 11/23/2016) |
| 11/30/2016 | <u>6</u>  | NOTICE of Related Case; case related to 16cv992 by FREEDOM WATCH (Klayman, Larry) Modified to add text on 12/1/2016 (znmw). (Entered: 11/30/2016)   |
| 12/22/2016 | <u>7</u>  | NOTICE of Appearance by Damon William Taaffe on behalf of All Defendants (Taaffe, Damon) (Entered: 12/22/2016)  |
| 12/27/2016 | <u>8</u>  | MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE (Taaffe, Damon) (Entered: 12/27/2016)   |
| 12/28/2016 |           | MINUTE ORDER granting, for good cause shown, <u>8</u> Motion for Extension of Time to Answer. It is hereby ORDERED that Defendants shall answer or otherwise respond to the complaint on or before 1/12/2017. Signed by Judge Ketanji Brown Jackson on 12/28/2016. (lckbj1) (Entered: 12/28/2016)   |
| 01/11/2017 | <u>9</u>  | ANSWER to Complaint by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE.(Taaffe, Damon) (Entered: 01/11/2017)  |
| 01/12/2017 |           | Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall promptly confer and file a joint proposed schedule for briefing or disclosure, on or before 1/26/2017. Signed by Judge Ketanji Brown Jackson on 1/12/2017. (lckbj1) (Entered: 01/12/2017)   |
| 01/18/2017 | <u>10</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Melanie Dyani Hendry on behalf of All Defendants Substituting for attorney Damon Taaffe (Hendry, Melanie) (Entered: 01/18/2017)  |
| 01/26/2017 | <u>11</u> | Joint STATUS REPORT by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Plaintiff's Attachment to Joint Status Report)(Hendry, Melanie) (Entered: 01/26/2017)  |
| 01/30/2017 |           | MINUTE ORDER. Based on the representations in the parties' <u>11</u> Joint Status Report, it is hereby ORDERED that, on or before 2/28/2017, the parties shall file a further joint status report, which shall contain a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 1/30/2017. (lckbj1) (Entered: 01/30/2017)   |
| 02/28/2017 | <u>12</u> | Joint STATUS REPORT by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE. (Hendry, Melanie) (Entered: 02/28/2017)   |

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| 02/28/2017 |           | MINUTE ORDER. Based on the representations in the parties' <u>12</u> Joint Status Report, it is hereby ORDERED that, on or before 6/1/2017, the parties shall file a further joint status report, which shall contain a proposed schedule for further proceedings. It is FURTHER ORDERED that a status conference is set for 6/8/2017 at 10:00 AM in Courtroom 17 before Judge Ketanji Brown Jackson. Signed by Judge Ketanji Brown Jackson on 2/28/2017. (lckbj3) (Entered: 02/28/2017)  |
| 02/28/2017 | <u>13</u> | Supplemental STATUS REPORT by FREEDOM WATCH. (Klayman, Larry) (Entered: 02/28/2017)   |
| 03/01/2017 |           | MINUTE ORDER. It is the practice of this Court to schedule status conferences in FOIA cases as it deems necessary. Given the representations that Plaintiff has made in the recently filed <u>12</u> Joint Status Report and <u>13</u> Supplemental Status Report, it is hereby ORDERED that the status conference currently scheduled for June 8, 2017, is VACATED, and it is FURTHER ORDERED that the parties shall appear in person for a status conference in this matter on Tuesday, March 7, 2017, at 11:00 AM in Courtroom 17 before Judge Ketanji Brown Jackson. Signed by Judge Ketanji Brown Jackson on 3/1/2017. (lckbj3) (Entered: 03/01/2017)  |
| 03/01/2017 | <u>14</u> | RESPONSE TO ORDER OF THE COURT re Order,,, Set Hearings,, <i>Reschedule Status Conference</i> filed by FREEDOM WATCH. (Klayman, Larry) (Entered: 03/01/2017)  |
| 03/01/2017 |           | MINUTE ORDER. It is hereby ORDERED that the Status Conference currently set for 3/7/17 is VACATED and RESET for March 14, 2017, at 2:00 PM in Courtroom 17 before Judge Ketanji Brown Jackson. Signed by Judge Ketanji Brown Jackson on 3/1/2017. (lckbj3) (Entered: 03/01/2017)  |
| 03/13/2017 | <u>15</u> | STATUS REPORT by FREEDOM WATCH. (Klayman, Larry) (Entered: 03/13/2017)  |
| 03/13/2017 |           | MINUTE ORDER. In light of Plaintiff's counsel's telephonic representation that he is unable to travel due to inclement weather, it is hereby ORDERED that the Status Conference currently set for 3/14/17 is VACATED and RESET for March 16, 2017, at 10:00 AM in Courtroom 17 before Judge Ketanji Brown Jackson. Signed by Judge Ketanji Brown Jackson on 3/13/2017. (lckbj3) (Entered: 03/13/2017)   |
| 03/16/2017 |           | Minute Entry for proceedings held before Judge Ketanji Brown Jackson: Status Conference held on 3/16/2017. Order to follow. (Court Reporter: Barbara Devico.) (tj) (Entered: 03/16/2017)  |
| 03/16/2017 |           | MINUTE ORDER. Based on the parties' representations at the status conference held on March 16, 2017, it is hereby ORDERED that the Court's Minute Order of February 28, 2017, requiring a joint status report on or before 6/1/2017, is hereby VACATED. It is FURTHER ORDERED that the following schedule is set in this matter: on or before March 31, 2017, the FBI shall produce approximately 500 pages to Plaintiff; on or before April 3, 2017, Defendants shall file a proposed schedule for (1) processing the documents on the priority list Plaintiff identified during the status conference (i.e., documents responsive to paragraphs 15 through 20 of Plaintiff's FOIA request), and (2) conducting the two keyword searches Plaintiff proposed; and on or before April 10, 2017, Plaintiff shall respond to Defendants' proposed schedule regarding the priority list documents and key word searches. The Court will issue an order governing further proceedings after it receives and reviews the parties' submissions. Signed by Judge Ketanji Brown Jackson on 3/16/2017. (lckbj3) (Entered: 03/16/2017) |
| 03/16/2017 | <u>16</u> | Case directly reassigned to Judge Colleen Kollar-Kotelly as related to 16-cv-992(CKK). Judge Ketanji Brown Jackson is no longer assigned to the case. (ztnr) (Entered: 03/17/2017)  |
| 03/17/2017 | <u>17</u> | ORDER Establishing Procedures for Cases Assigned to Judge Colleen Kollar-Kotelly. Signed by Judge Colleen Kollar-Kotelly on March 17, 2017. (NS) (Entered: 03/17/2017)  |
| 03/17/2017 | <u>18</u> | TRANSCRIPT OF PROCEEDINGS before Judge Ketanji Brown Jackson held on 3-16-17; Page Numbers: 1-66. Date of Issuance:3-17-17. Court Reporter/Transcriber Barbara DeVico, Telephone number 202-354-3118, Transcripts may be ordered by submitting the <a href="http://www.dcd.uscourts.gov/node/110">Transcript Order Form</a><P></P><P></P>For the first 90 days after this filing date, the transcript   |

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|            |           | may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, PDF or ASCII) may be purchased from the court reporter.<P> <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.<P></P> Redaction Request due 4/7/2017. Redacted Transcript Deadline set for 4/17/2017. Release of Transcript Restriction set for 6/15/2017.(DeVico, Barbara) (Entered: 03/17/2017) |
| 04/03/2017 | <u>19</u> | STATUS REPORT <i>and Proposed Schedule</i> by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE. (Hendry, Melanie) (Entered: 04/03/2017)  |
| 04/10/2017 | <u>20</u> | RESPONSE <i>to Defendants' Proposed Schedule</i> filed by FREEDOM WATCH. (Klayman, Larry) (Entered: 04/10/2017)   |
| 04/12/2017 | <u>21</u> | ORDER. Signed by Judge Colleen Kollar-Kotelly on 4/12/2017. (lcckk1) (Entered: 04/12/2017)  |
| 04/12/2017 | <u>22</u> | RESPONSE TO ORDER OF THE COURT re <u>21</u> Order filed by FREEDOM WATCH. (Klayman, Larry) (Entered: 04/12/2017)  |
| 04/13/2017 |           | Set/Reset Deadlines: Plaintiff may file a response to the April 28, 2017 Status Report by 5/5/2017; FBI shall submit a Status Report by 5/31/2017; Plaintiff may respond to this report by 6/7/2017. (kt) (Entered: 04/13/2017)   |
| 04/28/2017 | <u>23</u> | STATUS REPORT by BUREAU OF LAND MANAGEMENT. (Hendry, Melanie) (Entered: 04/28/2017)   |
| 05/05/2017 | <u>24</u> | RESPONSE re <u>23</u> <i>to Status Report</i> filed by FREEDOM WATCH. (Klayman, Larry) Modified to add link on 5/8/2017 (znmw). (Entered: 05/05/2017)   |
| 05/09/2017 | <u>25</u> | ORDER. The parties shall submit a Joint Status Report by May 12, 2017. Signed by Judge Colleen Kollar-Kotelly on 5/9/2017. (lcckk1) (Entered: 05/09/2017)   |
| 05/10/2017 |           | Set/Reset Deadlines: Joint Status Report due by 5/12/2017. (kt) (Entered: 05/10/2017)   |
| 05/11/2017 | <u>26</u> | Joint STATUS REPORT by FREEDOM WATCH. (Klayman, Larry) (Entered: 05/11/2017)  |
| 05/11/2017 | <u>27</u> | RESPONSE <i>to Purported Joint Status Report</i> re <u>26</u> Status Report filed by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE. (Hendry, Melanie) Modified to add link on 5/12/2017 (znmw). (Entered: 05/11/2017)   |
| 05/11/2017 | <u>28</u> | REPLY <i>to Defendants' Response to Joint Status Report</i> re <u>26</u> Status Report filed by FREEDOM WATCH. (Klayman, Larry) Modified to add link on 5/12/2017 (znmw). (Entered: 05/11/2017)   |
| 05/15/2017 | <u>29</u> | MEMORANDUM OPINION AND ORDER. BLM shall, by no later than JULY 14, 2017, provide an estimate of the volume of documents that shall be included in each interim release of responsive non-exempt documents. Plaintiff may file a response to the pleading setting out this estimate by no later than JULY 21, 2017. The other obligations previously set forth by the Court's April Order remain in effect. Signed by Judge Colleen Kollar-Kotelly on 5/15/2017. (lcckk1) (Entered: 05/15/2017)  |
| 05/31/2017 | <u>30</u> | STATUS REPORT <i>and Proposed Schedule (FBI)</i> by U.S. DEPARTMENT OF JUSTICE. (Hendry, Melanie) (Entered: 05/31/2017)   |
| 06/07/2017 | <u>31</u> | REPLY re <u>30</u> Status Report filed by FREEDOM WATCH. (Klayman, Larry) (Entered: 06/07/2017)   |
| 06/13/2017 |           | MINUTE ORDER: The Court has received and reviewed Defendant FBI's <u>30</u> Status Report and Proposed Schedule, and Plaintiff's <u>31</u> Response thereto. The FBI estimates that it will be able to process documents at the rate of 500 pages per month. At this rate, the FBI estimates that it will take approximately 500 months to complete its entire production in this matter. Plaintiff, as has been its fashion throughout this litigation,  |



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|            |           | <p>provides a short response stating, in sum and substance, that the FBI is engaged in "disingenuous, dishonest delay tactics...." The Court has previously cautioned Plaintiff that, absent objective evidence, it will not countenance "Plaintiff's generalized and unsupported claims of misconduct against either Defendants or their attorneys." Mem. Op. and Order, ECF No. 29, at 2.</p> <p>Beyond such claims, Plaintiff has not furnished the Court with any reason, based in fact or law, for expediting the production of documents beyond the schedule proposed by the FBI. For example, Plaintiff has not responded to the FBI's proposal to pursue summary judgment on the applicability of Exemption 7(A), which if found applicable would in the FBI's estimation halve the time for completing its production. Status Report, ECF No. 30, at 2 n.2. Accordingly, the Court adopts the FBI's proposed schedule. The FBI shall process and produce 500 pages of responsive, non-exempt and segregable records every 30 days, with the next such release to occur by JUNE 30, 2017. That being said, the Court remains amenable to receiving reasonable proposals from Plaintiff to expedite the production of responsive materials (e.g., by limiting the scope of its requests). To the extent Plaintiff chooses to file such a proposal, it must be supported by fact and law, and cannot (absent evidentiary support) rely upon the baseless accusations already discussed.</p> <p>Signed by Judge Colleen Kollar-Kotelly on 6/13/2017. (lcckk1) (Entered: 06/13/2017)</p>   |
| 06/26/2017 | <u>32</u> | MOTION for Reconsideration , MOTION for Sanctions by FREEDOM WATCH (Klayman, Larry) (Entered: 06/26/2017)  |
| 06/27/2017 | <u>33</u> | Supplemental Memorandum to MOTION for Reconsideration re <u>32</u> MOTION for Reconsideration MOTION for Sanctions , MOTION for Sanctions <i>Addendum</i> by FREEDOM WATCH (Klayman, Larry) Modified text incorrect event used, on 6/28/2017 (td). (Entered: 06/27/2017)   |
| 06/30/2017 |           | <p>MINUTE ORDER: The Court has received Plaintiff's <u>32</u> Motion for Reconsideration of the Court's Minute Order of June 13, 2017 and Motion for Sanctions. Although styled as a motion for reconsideration, the Minute Order challenged in this motion expressly permitted the Plaintiff to file a "reasonable proposal[]"... to expedite the production of responsive materials...." The Court shall interpret Plaintiff's motion as the beginnings of such a proposal. In particular, it appears that Plaintiff wishes to postpone the release of already public media materials in Defendant FBI's possession, and to expedite the release of "documents that relate to the criminal prosecution of Cliven Bundy; plans, efforts, strategies and implementation of the criminal prosecution of Cliven Bundy; documents related to Senator Harry Reid and his alleged real estate purchase deals; documents that relate to Rory Reid and his alleged real estate purchase deals; documents that relate to the Bureau of Land Management's plan to take physical possession of custody of Cliven Bundy's cattle within Clark County." Mot. for Reconsideration, at 2. Accordingly, the Court ORDERS the parties to meet and confer to discuss the possibility for expediting the release of such documents, and to file either a joint status report, or if need be, separate status reports, by JULY 28, 2017, regarding their efforts. With respect to Plaintiff's request for sanctions and attorney fees, Plaintiff claims that Defendants have demonstrated bad faith by proposing a 500 month release schedule. The Court disagrees. Given the breadth of Plaintiff's requests, Defendant FBI has indicated that it must process "at least 250,000 pages of documents... [,] from a time period dating at least as far back as 2010." ECF No. 30. Furthermore, Defendant FBI represented that "it stands ready, willing, and able to consider and apply any reasonable limitations on the scope of Plaintiff's significantly broad request." Defendant FBI also represented that it is "currently exploring alternative methods of streamlining this extensive process in a manner that permits it to more quickly complete its processing while still meeting its obligations under the FOIA." Id. at 3. The Court adopted Defendant FBI's proposed schedule principally because Plaintiff had "not furnished the Court with any reason, based in fact or law, for expediting the production of documents beyond the schedule proposed by the FBI." Minute Order, June 13, 2017. Finally, the Court notes again that Plaintiff did not request expedited processing when he originally filed his FOIA requests. Accordingly, Plaintiff's <u>32</u> Motion is DENIED. The parties shall proceed in accordance with this Minute Order, and the Court shall consider any appropriate modifications to Defendant FBI's production schedule upon receipt of the parties' proposals for prioritizing the release of certain documents. Signed by Judge Colleen Kollar-Kotelly on 6/30/2017.</p> |

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|            |           | (lcckk1) (Entered: 06/30/2017)  |
| 07/10/2017 | <u>34</u> | MOTION to Clarify <i>Court's Minute Order of June 30, 2017</i> , MOTION for Reconsideration <i>Court's Minute Order of June 30, 2017</i> by FREEDOM WATCH (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Text of Proposed Order)(Klayman, Larry). Added MOTION to Expedite on 7/11/2017 (znmw). (Entered: 07/10/2017)  |
| 07/11/2017 |           | MINUTE ORDER: The Court has received Plaintiff's <u>34</u> Motion to Clarify. Defendants shall file a response by JULY 18, 2017. Signed by Judge Colleen Kollar-Kotelly on 7/11/2017. (lcckk1) (Entered: 07/11/2017)  |
| 07/11/2017 |           | Set/Reset Deadlines: Defendants shall file Response to <u>34</u> by 7/18/2017. (dot) (Entered: 07/14/2017)  |
| 07/13/2017 | <u>35</u> | MOTION for Extension of Time to File <i>BLM's Proposed Schedule and Opposition to Plaintiff's Motion for Clarification and Reconsideration</i> by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Hendry, Melanie) (Entered: 07/13/2017)   |
| 07/14/2017 | <u>36</u> | RESPONSE re <u>35</u> MOTION for Extension of Time to File <i>BLM's Proposed Schedule and Opposition to Plaintiff's Motion for Clarification and Reconsideration</i> filed by FREEDOM WATCH. (Klayman, Larry) (Entered: 07/14/2017)   |
| 07/14/2017 |           | MINUTE ORDER: The Court has received Defendants' <u>35</u> Motion for Extension of Time, which seeks an extension of Defendant BLM's obligation to file a proposed production schedule by July 14, 2017, and Defendants' obligation to file a response to Plaintiff's <u>34</u> Motion to Clarify by July 18, 2017. Defendants request that both deadlines be moved to July 28, 2017, in light of their view that Plaintiff has modified the scope of his FOIA request. Plaintiff opposes an extension of either deadline, principally on the basis that, in its view, the requested extension is "another attempt to delay producing documents that are potentially exculpatory for a criminal defendant." ECF No. 36, at 2. Nonetheless, as this Court has held on several occasions, "the proper mechanism for Mr. Bundy to obtain potentially exculpatory evidence is through the criminal discovery process." Consequently, the pendency of Mr. Bundy's criminal trial, much as it is not a factor that "weigh[s] in favor of immediate or expedited processing of Plaintiff's FOIA request," is not a factor that warrants denial of Defendants' request for an extension of time. ECF No. 29, at 3. Accordingly, for good cause shown, Defendants' <u>35</u> Motion for Extension of Time is GRANTED. Defendant BLM shall file a proposed schedule, and Defendants shall file their response to Plaintiff's <u>34</u> Motion to Clarify, by JULY 28, 2017. However, there will be no further extensions with respect to these deadlines. Signed by Judge Colleen Kollar-Kotelly on 7/14/2017. (lcckk1) (Entered: 07/14/2017) |
| 07/14/2017 |           | Set/Reset Deadlines: Defendant BLM shall file a proposed schedule, and Defendants shall file their response to Plaintiff's <u>34</u> Motion to Clarify by 7/28/2017. (dot) (Entered: 07/17/2017)  |
| 07/28/2017 | <u>37</u> | RESPONSE re <u>34</u> MOTION to Expedite MOTION to Clarify <i>Court's Minute Order of June 30, 2017</i> MOTION for Reconsideration <i>Court's Minute Order of June 30, 2017</i> and Defendants' Proposed Schedule for Processing Plaintiff's Modified FOIA Request filed by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit A)(Hendry, Melanie) (Entered: 07/28/2017)   |
| 07/28/2017 | <u>38</u> | STATUS REPORT by FREEDOM WATCH. (Klayman, Larry) (Entered: 07/28/2017)  |
| 08/11/2017 |           | MINUTE ORDER: The Court has received and reviewed Plaintiff's <u>34</u> Motion for Clarification and Reconsideration of the Court's Minute Order of June 30, 2017, Defendants' <u>37</u> Opposition thereto, and Plaintiff's <u>38</u> Status Report. In the <u>34</u> Motion for Clarification and Reconsideration, Plaintiff requests that the Court "either order immediate production of responsive documentation or allow Freedom Watch to take immediate discovery, within the next two weeks, of Defendants' FOIA custodians of records to determine whether Defendants have complied in good faith with the obligations under FOIA." ECF No. 34, at 4.<br><br>The immediacy of Plaintiff's request is predicated on Plaintiff's contention that "Cliven Bundy is facing imminent threat to his life and loss of substantial due process rights." <i>Id.</i> Mr. Bundy is not a party to this lawsuit, and this Court previously held that "the  |

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|            |           | <p>proper mechanism for Mr. Bundy to obtain potentially exculpatory evidence is through the criminal discovery process. To the extent Mr. Bundy believes that the government has withheld pertinent materials in his criminal case, the most direct and appropriate means for Mr. Bundy to obtain those materials is to seek relief before the district court judge adjudicating that matter." Mem. Op. and Order, ECF No. 29, at 23. With respect to Plaintiff's request for discovery, the Court previously held that "given the absence of any indicia of bad faith by the government in this matter, the Court sees no reason to permit discovery at this time." <i>Id.</i> at 2 n.2; <i>Landmark Legal Found. v. EPA</i>, 959 F. Supp. 2d 175, 183 (D.D.C. 2013) ("Discovery is the exception, not the rule, in FOIA cases." (internal quotation marks omitted)); <i>Justice v. IRS</i>, 798 F. Supp. 2d 43, 47 (D.D.C. 2011) ("Courts permit discovery in FOIA cases where a plaintiff has made a sufficient showing that the agency acted in bad faith." (internal quotation marks omitted)), <i>aff'd</i>, 485 F. App'x 439 (D.C. Cir. 2012). Furthermore, by Minute Order dated June 30, 2017, the Court already held that Defendants' proposed production schedule does not demonstrate bad faith. Nor is the production of public source material an indication of bad faith. Because no other indicia of bad faith is provided by the <u>34</u> Motion for Clarification and Reconsideration, discovery shall not be permitted. Nor is there a legal basis for Plaintiff's request for immediate production. Consequently, the <u>34</u> Motion for Clarification and Reconsideration is DENIED.</p> <p>The parties shall adhere to the following schedule of future proceedings. The Court adopts Defendant BLM's proposed schedule, under which it estimates that it can process 1,000 documents per month, and complete its processing of Plaintiff's modified FOIA request in approximately 20 months. With respect to Defendant FBI, the Court adopts Defendants' proposed schedule for the time being. By AUGUST 25, 2017, Defendant FBI shall file a declaration of the responsible FOIA official explaining in detail why its processing is limited to 500 pages per month, and what the consequences would be if the processing speed were increased for Plaintiff's FOIA request. Also by AUGUST 25, 2017, Plaintiff shall file a notice stating its position regarding Defendants' proposal to seek summary judgment on Exemption 7(A), which may considerably limit the number of documents that need to be processed by Defendant FBI.</p> <p>Signed by Judge Colleen Kollar-Kotelly on 8/11/2017. (lcckk1) (Entered: 08/11/2017)</p> |
| 08/25/2017 | <u>39</u> | AFFIDAVIT ( <i>Declaration</i> ) of David M. Hardy Pursuant to August 11, 2017 Minute Order by U.S. DEPARTMENT OF JUSTICE. (Hendry, Melanie) (Entered: 08/25/2017)   |
| 08/25/2017 | <u>40</u> | RESPONSE TO ORDER OF THE COURT <i>Response to Court's August 11 Minute Order</i> by FREEDOM WATCH (Klayman, Larry) Modified event title on 8/28/2017 (znmw). (Entered: 08/25/2017)   |
| 11/10/2017 | <u>41</u> | NOTICE of Narrowing in Party of Plaintiff's FOIA Request by FREEDOM WATCH (Klayman, Larry) (Entered: 11/10/2017)   |
| 11/14/2017 |           | <p>MINUTE ORDER: The Court has received and reviewed Plaintiff's <u>41</u> Notice of Narrowing in Part FOIA Request. Plaintiff indicates that it would like to "substantially narrow the scope of its original [FOIA] request in order to expedite production of relevant, discoverable information." The new intended scope appears to be limited to "the production of agency records responsive to its original request that pertain to the live video feed depicting Cliven Bundy's ('Mr. Bundy') home and ranch as well as ingress and egress from Mr. Bundy's home and ranch that was being piped into the [Bureau of Land Management ('BLM')] 'Command Center' during the subject standoff with BLM and Federal Bureau of Investigation ('FBI') agents." The Court interprets this notice as indicating that Plaintiff is no longer seeking other documents within the scope of its original request. If this is not the case, Plaintiff should respond to this Minute Order by <b>NOVEMBER 16, 2017</b>. Plaintiff's counsel has indicated that "[d]uring an evidentiary hearing in the criminal prosecution of Mr. Bundy in the U.S. District Court for the District of Nevada[,] <i>United States v. Bundy et al</i>, 2:16-cr-00046 (D. Nev.) (the 'Bundy Prosecution')[,] witness Mary Hinson confirmed the existence of the live video feed in question." Based on Mr. Bundy's criminal case, Defendants BLM and FBI are presumably familiar with the live video feed referred to by Plaintiff. Accordingly, by <b>NOVEMBER 21, 2017</b>, Defendants shall 1) produce a copy of the live video feed in question or explain why they are not doing so, and 2)</p>   |

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|            |           | <p>indicate whether any other "agency records responsive to [Plaintiff's] original request that pertain to the live video feed" in question exist, and how long Defendants require to produce those records.</p> <p>Signed by Judge Colleen Kollar-Kotelly on November 14, 2017. (lcckk1) (Entered: 11/14/2017)</p>   |
| 11/16/2017 | <u>42</u> | Emergency MOTION for Hearing <i>Evidentiary Hearing</i> by FREEDOM WATCH (Klayman, Larry) (Entered: 11/16/2017)   |
| 11/16/2017 | <u>43</u> | SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by FREEDOM WATCH (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Exhibit)(Klayman, Larry) (Entered: 11/16/2017)  |
| 11/16/2017 | <u>44</u> | RESPONSE TO ORDER OF THE COURT re Order,,,,,,,,, filed by FREEDOM WATCH. (Klayman, Larry) (Entered: 11/16/2017)   |
| 11/16/2017 | <u>45</u> | Amended RESPONSE TO ORDER OF THE COURT re Order,,,,,,,,, filed by FREEDOM WATCH. (Klayman, Larry) Modified event title on 11/17/2017 (znmw). (Entered: 11/16/2017)  |
| 11/17/2017 |           | MINUTE ORDER: The Court has received Plaintiff's <u>42</u> Emergency Motion for Evidentiary Hearing Concerning Undue Delay and Concealment of Documents in Response to Plaintiff's FOIA Requests and for Expedited Production of Documents and to Shorten Time to Respond to This Motion. Defendants shall have until <b>NOVEMBER 21, 2017, at 12:00PM</b> , to respond to this motion. The Court acknowledges that the timeline is compressed but considers it necessary in order to resolve this request expeditiously. Signed by Judge Colleen Kollar-Kotelly on November 17, 2017. (lcckk1) (Entered: 11/17/2017) |
| 11/20/2017 | <u>46</u> | RESPONSE re <u>42</u> Emergency MOTION for Hearing <i>Evidentiary Hearing</i> filed by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE. (Hendry, Melanie) (Entered: 11/20/2017)   |
| 11/20/2017 | <u>47</u> | STATUS REPORT by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration of Joel P. Willis)(Hendry, Melanie) (Entered: 11/20/2017)  |
| 11/20/2017 | <u>48</u> | REPLY to opposition to motion re <u>42</u> Emergency MOTION for Hearing <i>Evidentiary Hearing</i> filed by FREEDOM WATCH. (Klayman, Larry) (Entered: 11/20/2017)   |
| 11/28/2017 |           | MINUTE ORDER: The Court has received Defendants' <u>47</u> Status Report. By <b>DECEMBER 6, 2017</b> , Plaintiff shall file a response regarding Defendants' production of documents in accordance with the Court's November 14, 2017, Minute Order. Signed by Judge Colleen Kollar-Kotelly on November 28, 2017. (lcckk1) (Entered: 11/28/2017)  |
| 11/30/2017 | <u>49</u> | MEMORANDUM OPINION AND ORDER. The Court DENIES Plaintiff's <u>42</u> Emergency Motion for Evidentiary Hearing. Signed by Judge Colleen Kollar-Kotelly on November 30, 2017. (lcckk1) (Entered: 11/30/2017)  |
| 12/06/2017 | <u>50</u> | RESPONSE TO ORDER OF THE COURT re Order, filed by FREEDOM WATCH. (Klayman, Larry) (Entered: 12/06/2017)   |
| 12/19/2017 | <u>51</u> | MOTION for Discovery by FREEDOM WATCH (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3)(Klayman, Larry) (Entered: 12/19/2017)   |
| 12/20/2017 |           | MINUTE ORDER: The Court has received Plaintiff's <u>51</u> Motion for Discovery. Defendants shall respond by <b>JANUARY 3, 2018</b> . Plaintiff shall file its reply, if any, by <b>JANUARY 10, 2018</b> . Signed by Judge Colleen Kollar-Kotelly on December 20, 2017. (lcckk1) (Entered: 12/20/2017)  |
| 12/20/2017 |           | Set/Reset Deadlines: Defendants' Response to <u>51</u> due by 1/3/2018; Plaintiff's Reply to <u>51</u> due by 1/10/2018. (dot) (Entered: 12/20/2017)  |
| 12/28/2017 | <u>52</u> | MEMORANDUM IN OPPOSITION TO re <u>51</u> MOTION for Discovery filed by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE. (Hendry, Melanie) Modified text on 12/29/2017 (td). (Entered: 12/28/2017)   |



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| 12/28/2017 | <u>53</u> | REPLY to opposition to motion re <u>51</u> MOTION for Discovery filed by FREEDOM WATCH. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3)(Klayman, Larry) (Entered: 12/28/2017)  |
| 09/25/2018 | <u>54</u> | MEMORANDUM OPINION AND ORDER. In an exercise of its discretion, the Court DENIES Plaintiff's <u>51</u> Motion for Leave to Conduct Discovery. By <b>OCTOBER 9, 2018</b> , the parties shall submit a Joint Status Report conveying their proposal for further proceedings. See Memorandum Opinion and Order for further details. Signed by Judge Colleen Kollar-Kotelly on September 25, 2018. (lcckk1) (Entered: 09/25/2018)  |
| 09/25/2018 |           | Set/Reset Deadlines: Joint Status Report due by 10/9/2018. (kt) (Entered: 09/25/2018)  |
| 10/02/2018 | <u>55</u> | Consent MOTION for Extension of Time to <i>File Joint Status Report</i> by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE (Hendry, Melanie) (Entered: 10/02/2018)   |
| 10/05/2018 |           | MINUTE ORDER: The Court has received Defendants' <u>55</u> Consent Motion for Extension of Time, with respect to the Joint Status Report due by October 9, 2018. <i>See</i> Mem. Op. and Order, ECF No. <u>54</u> , at 5. With Plaintiff's consent, the Court shall GRANT Defendants' <u>55</u> Consent Motion, for good cause shown. The Court shall continue the deadline for the parties' Joint Status Report until <b>OCTOBER 19, 2018</b> . Signed by Judge Colleen Kollar-Kotelly on October 5, 2018. (lcckk1) (Entered: 10/05/2018)   |
| 10/05/2018 |           | Set/Reset Deadlines: Joint Status Report due by 10/19/2018. (dot) (Entered: 10/05/2018)  |
| 10/19/2018 | <u>56</u> | Joint STATUS REPORT by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE. (Hendry, Melanie) (Entered: 10/19/2018)  |
| 11/02/2018 | <u>57</u> | STATUS REPORT by BUREAU OF LAND MANAGEMENT. (Attachments: # <u>1</u> Declaration of Ryan Witt)(Hendry, Melanie) (Entered: 11/02/2018)  |
| 01/17/2019 | <u>58</u> | MOTION to Stay , MOTION for Extension of Time to <i>All Deadlines</i> by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE (Pfaffenroth, Peter) (Entered: 01/17/2019)  |
| 01/18/2019 |           | MINUTE ORDER: The Court has received the <u>58</u> Motion to Stay Proceedings and for Extension of Time in Light of Lapse in Appropriations, which Plaintiff opposes. There are two defendants in this action, the Bureau of Land Management ("BLM") and the U.S. Department of Justice ("DOJ"). For the avoidance of doubt, DOJ is both a defendant and counsel to the defendants in this case. The Motion is styled as if submitted by a singular defendant, seemingly BLM, although the Motion observes that not only BLM but also DOJ have experienced a lapse in appropriations. The Motion seeks a stay retroactive to the beginning of the government shutdown on December 22, 2018. In an exercise of the Court's discretion, the Court shall GRANT the <u>58</u> Motion <i>nunc pro tunc</i> . Except as provided below, the Court shall STAY this case effective December 22, 2018. Although this Motion may have been styled also as a request for an extension, counsel does not identify what specifically should be extended. The parties shall file a notice within five business days of the restoration of DOJ's funding and the resumption of its operations. Counsel indicates that Freedom of Information Act ("FOIA") personnel at BLM have not been deemed essential. Counsel also indicates that attorneys at DOJ are furloughed, but counsel does not address whether DOJ personnel who may be responsible for processing Plaintiff's FOIA request to DOJ have been deemed essential. The Court understands that the Federal Bureau of Investigation ("FBI") may instead be handling this FOIA request to DOJ; counsel has not indicated either whether the FBI personnel who may be responsible for processing Plaintiff's FOIA request to DOJ have been deemed essential. To the extent that those DOJ and/or FBI personnel have been deemed essential, they should continue to process Plaintiff's respective FOIA request during the pendency of the lapse in appropriations so that, upon restoration of funding, this matter may proceed more promptly. Signed by Judge Colleen Kollar-Kotelly on January 18, 2019. (lcckk1) (Entered: 01/18/2019) |
| 02/12/2019 | <u>59</u> | ORDER. The Court shall LIFT the stay in this matter. The parties shall file a Joint Status Report by <b>MARCH 5, 2019</b> , updating the Court regarding the FOIA processing in this case. See Order for further details, including as to the contents of that Report. Signed by Judge Colleen Kollar-Kotelly on February 12, 2019. (lcckk1) (Entered: 02/12/2019)   |

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| 02/12/2019 |           | Set/Reset Deadlines: Joint Status Report due by 3/5/2019, updating the Court regarding the FOIA processing in this case. See Order for further details, including as to the contents of that Report. (dot) (Entered: 02/12/2019)   |
| 03/05/2019 | <u>60</u> | Joint STATUS REPORT by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE. (Hudak, Brian) (Entered: 03/05/2019)   |
| 03/12/2019 | <u>61</u> | ORDER. By <b>APRIL 11, 2019</b> , the parties shall file a further Joint Status Report identifying revised estimates for searches and productions regarding Plaintiff's request relating to Larry Wooten. See Order for further details. Signed by Judge Colleen Kollar-Kotelly on March 12, 2019. (lcckk1) (Entered: 03/12/2019)  |
| 03/12/2019 |           | Set/Reset Deadlines: Joint Status Report due by 4/11/2019 identifying revised estimates for searches and productions regarding Plaintiff's request relating to Larry Wooten. (dot) (Entered: 03/12/2019)   |
| 04/11/2019 | <u>62</u> | Joint STATUS REPORT by BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF JUSTICE. (Hendry, Melanie) (Entered: 04/11/2019)  |
| 04/12/2019 |           | MINUTE ORDER: The Court has received the parties' <u>62</u> Joint Status Report, which indicates that the parties have taken some steps in response to Plaintiff's prioritization of documents pertaining to Mr. Wooten. <i>See</i> Order, ECF No. <u>61</u> . The parties shall meet and confer and file a further Joint Status Report by <b>MAY 13, 2019</b> , regarding the status of searches and reviews focused on Mr. Wooten and proposing a schedule for further proceedings. Signed by Judge Colleen Kollar-Kotelly on April 12, 2019. (lcckk1) (Entered: 04/12/2019) |